

**REMARKS****I. Summary**

Claims 1-36 are pending in the application. In the non-final Office Action mailed December 15, 2005, claims 1-14, 17-31, and 33-35 were rejected. Claim 33 is amended. Claims 15, 16, and 32 were objected to but indicated as allowable if rewritten in independent form. Applicant thanks the Examiner for this indication. The issues in the current Office Action are:

- Claims 33-35 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Saeki et al.* (U.S. Patent No. 6,444,903, hereinafter *Saeki*).
- Claims 1-7, 9, 12-14, 17-26, 30 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Saeki et al.* (U.S. Patent No. 6,444,903, hereinafter *Saeki*) in view of *Mandry* (U.S. Patent No. 56,389,211).
- Claims 1-8 are rejected under 35 U.S.C. 103(1) as being unpatentable over *Saeki et al.* (U.S. 6,444,903, hereinafter *Saeki*) in view of *Ferris et al* (U.S. 6,708,918; hereinafter *Ferris*).
- Claims 10, 11 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Saeki et al.* (U.S. 6,444,903, hereinafter *Saeki*) in view of *Mandry et al.* (U.S. 6,389,211, hereinafter *Mandry*) as applied in claims 7 and 24, respectively and further in view of *Klug* (U.S. 5,161,580).

Applicant respectfully traverses all outstanding objections and rejections and requests reconsideration in view of the arguments presented below.

**II. Claim Objections**

Claims 15, 16, and 32 are objected to but indicated as allowable if rewritten in independent form. Applicant thanks the Examiner for this indication of allowable subject matter. Applicant respectfully asserts that the other pending claims are also allowable, as

explained below.

### **III. Restriction Requirement**

In the current Office Action, the restriction of claim 36 is made final. Applicant reiterates that the restriction is improper because the requirement does not demonstrate that the combination of Group II does not require the particulars of Group I for patentability, as required by M.P.E.P. §806.05(c). The current Office Action at page 2 still fails to make the requisite demonstration. Further, Applicant respectfully asserts that the arguments from the last response are still valid and correct. Thus, withdrawal of the restriction requirement is respectfully requested.

### **IV. Claim Amendments**

Claim 33 is amended to recite, in part, “wherein said bend radii increasing means comprises a plurality of teeth defining a plurality of different bend radii.” Support for the amendment can be found at least at FIGURE 1. Thus, no new matter is added.

### **V. Claim Rejections**

#### **A. Rejections under 35 U.S.C. §102**

Claims 33-35 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Saeki*. Amended claim 33 recites, in part, “wherein said bend radii increasing means comprises a plurality of teeth defining said bend radii.” Such feature is not taught by *Saeki*. Accordingly, withdrawal of the rejection is respectfully requested.

#### **B. Rejections under 35 U.S.C. §103**

##### **1. Rejections over *Saeki* in view of *Mandry***

Claims 1-7, 9, 12-14, 17-26, 30 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Saeki* in view of *Mandry*. Applicant traverses the rejection.

To show obviousness under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the applied reference. Second, there must be a reasonable expectation of success. Finally, the applied

reference must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Without conceding any other criteria, Applicant respectfully asserts that the rejection does not satisfy the first criterion, as discussed further below.

The Office Action fails to provide the requisite motivation to combine *Saeki* with *Mandry*. It is well settled that the fact that references can be combined or modified is not sufficient to establish a *prima facie* case of obviousness, M.P.E.P. § 2143.01. The Office Action proposes to modify the invention of *Saeki* to include the posts (items 125 of FIGURE 1) of *Mandry* in order to “provide means for separating the cables.” Such modification is improper, as it would change the principle of operation of the *Saeki* system. A combination or modification is improper if it would change the principle of operation of a reference. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959), as cited in M.P.E.P. §2143.02(VI). In this case, the *Saeki* system is specifically disclosed as a hinge structure for accommodating a bundle of wires. *Saeki* at Abstract. However, the modification, as proposed by the Office Action, would separate the wires, thereby unbundling the wires. Accordingly, the modification would change the principle of operation of the *Saeki* system, and is therefore improper. Thus, Applicant respectfully submits that the 35 U.S.C. § 103(a) rejection of claims 1-7, 9, 12-14, 17-26, 30 and 31 fails.

2. Rejections over *Saeki* in view of *Mandry* in further view of *Klug*

Claims 10, 11, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Saeki* in view of *Mandry* further in view of *Klug*. Applicant traverses the rejection.

As explained above, the combination of *Saeki* and *Mandry* is improper due to a lack of motivation to combine the two references. There is nothing in the rejection in further view of *Klug* that cures this defect. Accordingly, the combination of *Saeki*, *Mandry*, and *Klug* is also improper due to a lack of motivation to combine the references. Thus, Applicant respectfully submits that the 35 U.S.C. § 103(a) rejection of claims 10, 11, and 27-29 fails.

3. Rejections over *Saeki* in view of *Ferris*

Claims 1-8 are rejected under 35 U.S.C. 103(1) as being unpatentable over *Saeki* in view of *Ferris*. Applicant traverses the rejection.

Claim 1 recites, in part, “a plurality of teeth spaced apart from one another and

disposed in one of said first channel and said second channel, said teeth positioned to create spaces in-between said plurality of cables before said at least one cable transitions from said first direction to said second direction.” The combination does not teach or suggest the above-recited feature because it does not teach or suggest a plurality of teeth spaced apart from one another and disposed in one of said first channel and said second channel. The Office Action admits that *Saeki* does not teach or suggest the feature; rather, the Office Action relies on *Ferris*. Office Action at 10. Specifically, the Office Action cites fins (item 100 of, e.g., FIGURE 6) as teaching or suggesting the claimed plurality of teeth. However, *Ferris* does not teach or suggest that fins 100 are disposed in one of said first channel and said second channel. Note in FIGURE 6 that fin 100 is placed at the bend in the cable path instead of in a first or a second channel. Accordingly, the above-recited feature is not taught or suggested by the combination.

Dependent claims 2-8 each depend either directly or indirectly from independent claim 1 and, thus, inherit all of the limitations of independent claim 1. Thus, the cited combination does not teach or suggest all claim limitations of claims 2-8. It is respectfully submitted that dependent claims 2-8 are allowable at least because of their dependence from claim 1 for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1-8.

## **VI. Conclusion**

In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 200312987-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV568255886US in an envelope addressed to: MS Amendment, Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: March 7, 2006

Typed Name: Donna Forbit

Signature: Donna Forbit

Respectfully submitted,

By: 

Michael A. Papalas  
Attorney/Agent for Applicant(s)  
Reg. No. 40,381  
Date: March 7, 2006  
Telephone No. (214) 855-8186